REMARKS

Claims 1-8, 23-25, 27-30 are pending.

Claims 1-8, 23-25, 27-30 stand rejected.

Claims 1-8, 23-25, 27-30 are hereby presented for reconsideration.

In the Office Action, the Examiner has modified the rejection of independent claims 1, 23 and 24 and now rejects these claims under 35 U.S.C. § 103(a) as being unpatentable over Borst (U.S. Patent No. 6,366,668) in view of the newly cited Chambers (U.S. Patent No. 7,043,006). Claim 23 is now rejected as above, further in view of Foldare (U.S. Patent No. 5,978,671). Applicants respectfully disagree with the Examiner's contentions and submit the following remarks in response.

Independent claim 1 is directed to a call routing system for use in a directory assistance system having **a primary call routing device at a first call** center configured to receive directory assistance calls from callers and to determine using a first call distribution process, for

each of the calls, whether the calls will be handled by the first call center or by a second call center in the directory assistance system among a plurality of call centers.

A secondary router at the first call center in the directory assistance system is configured to initially route the calls within the first call center to the primary call routing device, and if the primary call routing device is off-line, the secondary call router employs a second default call distribution process to route the calls among the first call center and the plurality of call centers in the directory assistance systems. As such, the first call center includes two routing devices, a primary call routing device and a secondary router.

As noted in the prior Amendments, in such an arrangement, after a call is received at the first call center, the primary call router (such as ICM central controllers 34) makes call distribution decisions using a first call distribution process to distribute the calls between the first call center (where the call was initially received) and the other second call centers. This first call distribution process between call centers may for example be an intelligent call routing process that helps to favorably distribute calls for frequent callers (see paragraphs [0040] - [0042]) or to achieve some other desirable distribution. In the event that the primary call routing device is offline the secondary call routing device (such as POP router 30) uses a second default call routing logic to distribute the calls. This second default call routing logic may be a basic scheme such as a distribution load balancing arrangement as described for example in paragraph [0070].

The Examiner relies primarily on the Borst reference to form the rejection. Applicants

respectfully submit that Borst does not teach the features of the claims as being applied by the Examiner and, nor could the arrangement of Borst be modified (without impairment) to read on the present claims 1, 23 and 24.

As indicated in the prior Amendment, the Examiner correctly notes that Borst reference is related to call routing within a call distribution system. However, the Borst system deals with a ***pre-route*** vs. post route distribution as noted in col. 1, lines 13-37. In comparing the elements of the Borst with the present claim elements, the Examiner relies primarily on Figure 1 and col. 3, lines 13-58.

Figure 1 of Borst is as follows (incoming calls coming in through PSTN 100):

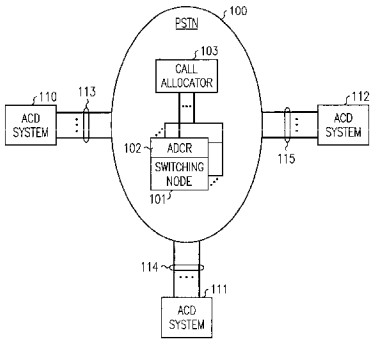

FIG. 1

As best understood from the accompanying description in col. 3, lines 13-58 of Borst, there are many connected call centers 110, 111 and 112 of which 111 is the "primary," which in Borst means largest. The only call routing elements are call allocator 103 and ADCR (Alternate Destination Redirection) feature 102 (see col 3, lines 1-3) both of which are located externally at

the PSTN 100. The primary routing in Borst occurs when a call comes in; an allocator 103 makes a basic distribution decision to send the call to one of the call centers 110, 111 or 112 etc… It does this expressly without obtaining the status of the centers (i.e. their current wait/volume metrics) See col. 3, lines 17-20.

Again, as best understood, in the Borst arrangement, this logic routes most calls to the primary call center 111 presumably because it is the largest. However, in certain cases some calls are routed to non-primary centers such as 112. The call flow in Figure 3 covers this situation. If the non-primary center is OK for the call it simply handles the call (steps 304, 306 and 314). However, if the call could have been better handled by the primary call center 111 the receiving non-primary center 112 rejects the call which triggers the alternative routing logic 102 to reroute the call to the primary call center 111. See steps 306-312 and 314).

This arrangement cannot be modified to place the router, routers or router logic at all in the call centers 110, 111 or 112. In fact, Borst expressly teaches away from this modification. In the background in col. 1, lines 26-38 states:

> "The other architecture is a "post-route" or "premises-route" architecture, which makes routing decisions after the call has been delivered to an ACD system. With this architecture, very high-quality routing decisions can be made by the receiving ACD. Unfortunately, the re-routing of the call to different ACDs in the network requires the use of additional communications links--those required to connect the call from the receiving ACD to the destination ACD. **This use of additional network resources to complete the call is undesirable**. The ideal solution would be to make high-quality routing decisions without the need to use additional network resources for routing the call." (emphasis added)

In other words the inventors of Borst knew about implementing the call centers with routers, but expressly rejected formulating their system that way.

It is noted that if the Examiner's proposed modification would render the prior art invention as modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Moreover, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). See MPEP 2143.01

As such, regardless of any secondary references cited by the Examiner, the Borst reference cannot be modified to have first and second call routers located at a first call center, since to do so would completely change its method of operation, which it expressly rejected in its own background section. For at least this reason, Applicants request that the rejection of independent claims 1, 23 and 24 be withdrawn. Also, as claims 2, 4-8 and 25 and 27-30 depend therefrom respectively, these claims should be allowed for at least the same reasons.

Separately, Applicants note that the Examiner continued the rejection by combining the features of Borst with Chambers arguing that chambers shows the features of first and second routers located at a call center. However, the present claims require first and second routers to

be at the first call center and each having first and second call distribution processes respectively. On the contrary, as noted in the cited col. 9, lines 40-53, both MCUA 210 and MCUB 212 of Chambers are both located external to the packet network 230 and call centers 240 and 290 (See Figure 2) and are additionally described as simply redundant call processors, and as best understood, using identical call processing processes. The cited portion of Chambers simply describes those process (being performed by MCUA 210 and MCUB 212) as being the same as for MCU 110 described earlier in Chambers. There is no suggestion of one MCUA using a different call processing than that used by MCUB nor are either of such routers located within the call centers.

As such, Applicants respectfully submit that even if Borst were combined with Chambers as suggested, the resulting system would still not teach or suggest all of the elements of independent claims 1, 23 and 24. For example, even if the teachings of Borst and Chambers were combined, the resulting system would simply employ redundant components 102/103 in Borst and would not have primary call routing device at a first call center using a first call distribution process and a secondary router at the same call center in the directory assistance system configured to employ, at least in part a second default call distribution process.

For at least this additional reason, Applicants request that the rejection of independent claims 1, 23 and 24 be withdrawn. Also, as claims 2, 4-8 and 25 and 27-30 depend therefrom respectively, these claims should be allowed for at least the same reasons.

In view of the foregoing Applicants respectfully submit that pending claims 1-8, 23-25, 27-30 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application, they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By /Joseph Sofer/
Joseph Sofer
Reg. No 34,438
317 Madison Avenue
Suite 910
New York, NY 10017
(212) 697-2800
Customer Number 39600

Dated: July 5, 2011